CALL TO ORDER
Determination of a Quorum
Opening Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES
Regular Meeting Minutes – March 28, 2019

2. PRESENTATION
   A. Proclamation 19-04: Proclaiming Autism Awareness – Mayor Rees

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE
   A. Ordinance 19-17: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 14.87 +/- ACRES OF LAND GENERALLY LOCATED AT N. WEST CROWN POINT ROAD ON THE NORTHEAST CORNER OF N. WEST CROWN POINT ROAD AND E PLANT STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ALTA WINTER GARDEN CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE with second reading and public hearing April 25, 2019 - Community Development Director Pash

4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES
   A. Ordinance 19-15: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Pash
   B. Ordinance 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE – Community Development Director Pash

5. REGULAR BUSINESS
   A. Recommendation to approve RFP rankings and award Construction Services Contract for 9th Street Gravity Sewer & Force Main Improvements to Cathcart Construction Company for a total amount of $4,642,753.50, which includes a 10% contingency – Assistant City Manager – Public Services Williams
   B. Recommendation to approve RFP rankings and award Continuing Services Contracts to Cathcart Construction Company, LLC, Central Florida Environmental Corp., Stage Door II, Inc., and VMG Construction, Inc. for various asphalt and concrete services - Assistant City Manager – Public Services Williams
C. Recommendation to approve Purchase Order with TD Thomson Construction Inc. for Donald Drive Drainage Improvements in the amount of $56,409.25 - Assistant City Manager – Public Services Williams

D. Recommendation to approve RFQ rankings and award Continuing Professional Engineering Services contracts to Cribb Philbeck Weaver Group (CPWG), Mead & Hunt, Pegasus Engineering, Inc. and Neel-Schaffer, Inc. - Assistant City Manager – Public Services Williams

E. Recommendation to approve COMMUNITY EVENT - Masonic Lodge – 15th Annual All American Kids Parade and Breakfast - July 4, 2019 - 7:30 a.m. to 1:00 p.m., includes temporary street closure on Plant Street – Community Development Director Pash

F. Resolution 19-02: A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ESTABLISHING COMMITTEE DUTIES, ESTABLISHING APPOINTMENT OF MEMBERS, ESTABLISHING ORGANIZATION, PROVIDING FOR THE SUNSETTING OF THE CHARTER REVIEW COMMITTEE AND PROVIDING FOR AN EFFECTIVE DATE – City Clerk Grimmage

6. MATTERS FROM PUBLIC (Limited to 3 minutes per speaker)

7. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

8. MATTERS FROM CITY MANAGER – Mike Bollhoefer
   A. Update on Dillard Street

9. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a Regular Meeting on Thursday, April 28, 2019 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICES:
In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolutions 15-04 and 16-02)

Those needing assistance to participate in any of these proceedings should contact the City Clerk’s Office at least 48 hours in advance of the meeting (407) 656-4111 x2297.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 x5455.
REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Pro Tem Buchanan at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present:  Mayor Pro Tem Bob Buchanan – District 2 and Commissioners
Lisa Bennett – District 1       Mark A. Maciel – District 3

Absent: Mayor John Rees and Commissioner Colin Sharman – District 4

Also Present:  City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. APPROVAL OF MINUTES
   Motion by Commissioner Bennett to approve regular meeting minutes of March 14, 2019 as submitted. Seconded by Commissioner Maciel and carried unanimously 3-0.

2. PRESENTATIONS
   A. OATH OF OFFICE – NEW POLICE OFFICERS
      Police Chief Graham introduced and administered the oath of office to new Police Officers Samira De Nijs, Amanda Lesperance, Christian Hamby, and Errol Harris Jr.

   B. PROCLAMATION 19-03:  Proclaiming April as Water Conservation Month was read and presented by Mayor Pro-Tem Buchanan and the City Commissioners.

3. FIRST READING OF PROPOSED ORDINANCE
   A. Ordinance 19-18:  AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE

      City Attorney Ardaman read Ordinance 19-18 by title only. Community Development Director Pash stated that this ordinance amends section 98-189 of the City code. He noted that this clarifies the meaning of a quorum in relation to voting for the Architectural Review and Historic Preservation Board. Staff recommends approval of Ordinance 19-18.
Motion by Commissioner Maciel to approve Ordinance 19-18 with a second reading and public hearing April 11, 2019. Seconded by Commissioner Bennett and carried unanimously 3-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

   **A. Ordinance 19-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

   City Attorney Ardaman read Ordinance 19-15 by title only. Community Development Director Pash stated that this property is located at 43 1st Street. The owners are requesting to rezone the property to Planned Commercial Development (PCD). They are planning to develop the property with a 3,200 square foot office building, with parking, landscaping and site improvements. This will incorporate their existing construction business which is located on the property to the north. Staff recommends approval of Ordinance 19-15.

   There was discussion on the applicant being ready to start right away and mention of the nice aesthetics of the building.

   Mayor Pro Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

   **Motion by Commissioner Bennett to adopt Ordinance 19-15. Seconded by Commissioner Maciel and carried unanimously 3-0.**

   **B. Ordinance 19-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING CHAPTER 94 “NATURAL RESOURCE PROTECTION” TO ADD A NEW SECTION 94-1 GOVERNING FERTILIZER USE WITHIN THE CITY; ADOPTING THE ORANGE COUNTY REGULATIONS PERTAINING TO FERTILIZER USE AND AUTHORIZING COUNTY AND CITY ENFORCEMENT THEREOF WITHIN THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

   City Attorney Ardaman read Ordinance 19-16 by title only. Assistant City Manager – Public Services Williams stated that this is the second reading and public hearing of Ordinance 19-16 which adds new Section 94-1. This incorporates the Orange County code governing fertilizer use and enforcement. He noted that there have been no changes since the first reading and staff recommends approval.
Mayor Pro Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Maciel to adopt Ordinance 19-16. Seconded by Commissioner Bennett and carried unanimously 3-0.**

5. **REGULAR BUSINESS**
A. **Recommendation to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case No. 07-981)**
Community Development Director Pash stated that in 2017 the Code Enforcement Board imposed fines on the property due to the structure being unfit for habitation. The owner pulled permits at that time but never finished the work; as of today, code fines total $1,054,250. He noted that in addition to those fees, unpaid utility fees total $7,266.22. He shared that the owner of the property has since passed away and the attorney representing the estate is requesting the reduction in fines in order to sell the property. Mr. Pash noted that staff has spent a considerable amount of time on this property and with the unpaid utility bills, recommend that the fine be reduced to $10,000 if paid by April 5, 2019. He also noted some of the other conditions that would be required.

There was discussion on the start of construction and clarification on the date payment is required as being April 5, 2019, and work to be finalized and completed within six months. There was discussion that if not paid by that date the fines would revert back.

Mayor Pro Tem Buchanan opened public comment; hearing and seeing none, he closed public comment.

**Motion by Commissioner Maciel to reduce and remove Code Enforcement liens for 1080 Lincoln Terrace (Code Case 07-981), subject to conditions and payment by April 5, 2019. Seconded by Commissioner Bennett and carried unanimously 3-0.**

B. **Recommendation to approve second amendment to Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. and authorize the City Manager to add $300,000.00 to the spending limit**
Community Development Director Pash stated that there is an existing contract between the City of Winter Garden and Bureau Veritas North America, Inc. He noted that staff is requesting it be extended by an additional $300,000 for continuance of services. He noted that funding would be completely through building permits and does not come out of the general fund. Staff recommends approval.

There was discussion on volume prompting this need and the absence of applicants applying for the job of inspections at this time.
Motion by Commissioner Bennett to approve second amendment to Building Permit Inspection and Plan Review Services Agreement with Bureau Veritas North America, Inc. and authorize the City Manager to add $300,000 to the spending limit. Seconded by Commissioner Maciel and carried unanimously 3-0.

C. Recommendation to approve SPECIAL EVENT – Annual Downtown Sidewalk Sale on June 8, 2019 from 11:00 a.m. to 7:00 p.m. in Downtown Winter Garden
Community Development Director Pash shared that last year the City partnered with the downtown merchants and hosted a very successful one-day sidewalk event. He described some of the activities and arrangements for the event and it was noted that the street would not be closed. Staff recommend approval.

Commissioner Maciel inquired about approvals for blocking some of the parking spaces. Mr. Pash noted that the City walks through and coordinates everything with the merchants.

Motion by Commissioner Maciel to approve a SPECIAL EVENT for the Annual Downtown Sidewalk Sale on June 8, 2019, 11:00 a.m. to 7:00 p.m. in Downtown Winter Garden, with staff recommendations. Seconded by Commissioner Bennett and carried unanimously 3-0.

D. Recommendation to approve SPECIAL EVENT – Annual Winter Garden Choir Wine Walk on April 25, 2019 from 6:00 p.m. to 9:00 p.m. in Downtown Winter Garden
Community Development Director Pash stated that the Winter Garden Choir is requesting their annual Wine Walk on April 25th from 6:00 p.m. to 9:00 p.m. He noted that there is also the request for the use of the Pavilion at 4:00 p.m., ending at 10:00 p.m., to accommodate set up, preparations, and registration for the wine walk. Staff recommends approval.

Motion by Commissioner Bennett to approve the SPECIAL EVENT for the Annual Winter Garden Choir Wine Walk on April 25, 2019 from 6:00 p.m. to 9:00 p.m., with 4:00 p.m. to 10:00 p.m. Pavilion use in Downtown Winter Garden. Seconded by Commissioner Maciel and carried unanimously 3-0.

E. BOARD APPOINTMENT: Canvassing Board – 4 Members
City Clerk Grimmage shared that this item is one that is required by the City Charter to be addressed 90 days prior to July 1st. She noted that postponement is requested in order to conduct a recruitment effort and get a better handle on the applications.

Commissioner Maciel inquired as to more information and requirements for serving on this board. City Clerk Grimmage explained that this is for canvassing the City’s 2020 general election, which will require an earlier qualifying period due to the 2020 Presidential Primary Election. She shared that this board’s actual service is during a
short period of time when there is an election, meeting only approximately three to four times. Also noted is that there will be a recruitment effort for all the City’s boards and this happens to be one of them. There were no noted objections.

It was the consensus of the City Commission that this item be postponed to a date uncertain.

6. **MATTERS FROM PUBLIC**

   Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding the City’s current invocation policy and the 501(c)3 requirement.

7. **MATTERS FROM CITY ATTORNEY** – There were no items.

8. **MATTERS FROM CITY MANAGER**
   
   A. **Purchase property located at 902 Avalon Road**

   City Manager Bollhoefer displayed slides showing the property location of 902 Avalon Road, noting its proximity to Knox Nursery. He informed that the property is up for sale and described the potential benefits of the City purchasing it and affixing it an already owned City property; making a large four-acre piece. He described possible long term and short term uses such as a potential park, or possible use as a substation. He noted that the City could always decide to sell at a later time, if so desired. Purchasing it gives the City more land and also gives more frontage. Also mentioned was a short term use for housing the labor force by using the current structure at this location. He noted an asking purchase price of $250,000 but the City would offer $240,000.

   There was discussion on the owner of the property moving away, a cell tower currently at the location which is not generating lease rent, and the land’s proximity to Orange County’s road and park.

   City Attorney Ardaman advised that if the City Commission so wishes, a motion would be needed to approve the City Manager and City Attorney entering into a contract and closing the transaction.

   **Motion by Commissioner Maciel to approve and authorize the City Manager and City Attorney entering into a contract and closing the transaction for property located at 902 Avalon Road in the amount of $240,000. Seconded by Commissioner Bennett and carried unanimously 3-0.**

   **Removal of Sign off of State Road 50**

   City Manager Bollhoefer displayed and noted that from State Road 50 there is a location sign for the historic downtown blocking the sign for the 4Rivers Restaurant. He noted that the restaurant approached the City to alter their sign, but it is thought that instead it would be better to remove the obstructive sign. There was discussion on the future
sign master plan and the potential replacement of indicator signs leading to the historic downtown in the future. He noted that the Florida Department of Transportation (FDOT) has been contacted and are not concerned if this sign is removed. Mr. Bollhoefer described some future projects relating to the City-wide master sign plan.

There was discussion on the location of signs on the mast arms at the nearby intersection and the regulations and requirements of the FDOT in relation to signs.

**Motion by Commissioner Bennett to approve the removal of the directional sign for the Winter Garden Historic District located in front of the 4Rivers Restaurant on West Colonial Drive. Seconded by Commissioner Maciel and carried unanimously 3-0.**

9. **MATTERS FROM MAYOR AND COMMISSIONERS**
   
   **Mayor Pro-Tem** announced the kick-off for the Spring Fever in the Garden on April 7th and 8th.

   The meeting adjourned at 7:05 p.m.

   
   APPROVED:

   ________________________________
   Mayor John Rees

   ATTEST:

   City Clerk Angee Grimmage, CMC
Whereas, autism spectrum disorders are a broad range of conditions characterized by challenges with social skills, repetitive behaviors, and speech and nonverbal communication; and

Whereas, autism spectrum disorders affect at least one in fifty-nine children and an unknown number of adults in the United States of all genders, races, ethnicities, and socioeconomic backgrounds; and

Whereas, early, accurate diagnosis and appropriate education, intervention, and support are vital to the well-being of those with autism spectrum disorders; and

Whereas, persons with an autism spectrum disorder should have access to the care, services, and opportunities they need to be happy and to achieve their greatest potential; and

Whereas, the City of Winter Garden is honored to take part in the annual observance of World Autism Month and World Autism Awareness Day in the hope that it will lead to more research and better understanding and acceptance of autism spectrum disorder; and

Therefore, it is my great pleasure as the Mayor of the City of Winter Garden, to proclaim

April 2019 as WORLD AUTISM MONTH
and April 2, 2019 as WORLD AUTISM AWARENESS DAY

in Winter Garden to raise public acceptance and understanding of autism spectrum disorder, as well as to increase knowledge of the efforts that have been and are being made to support individuals with autism spectrum disorder and their families.

In witness whereof, I have hereunto set my hand and caused the City Seal to be affixed this 11th day of April, 2019.

[Signature]
Mayor John Rees

Attest:
Angela Grimmage, City Clerk
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director
Via: City Manager Mike Bollhoefer
Date: April 4, 2019  Meeting Date: April 11, 2019

Subject: N West Crown Point Road
Alta Winter Garden CAPUD
Ordinance 19-17
PARCEL ID # 12-22-27-6496-04-002; 13-22-27-0000-00-055

Issue: The applicant is requesting to rezone the property located at the northeast corner of E Plant Street and N West Crown Point Road to Character Area Planned Unit Development (CAPUD).

Discussion: The applicant is requesting to rezone the +/- 14.87 acre property located at the northeast corner of E Plant Street and N West Crown Point Road to CAPUD to permit the development of five new 3-story multi-family buildings, which will feature a combined 250 apartment dwelling units. There will be eight new linear garage buildings constructed adjacent to the 400 uncovered surface parking spaces. The development also includes associated site development such as recreation areas, sidewalks/plazas, and landscaping. The applicant is also proposing to develop the land located west of the train tracks as a park and dedicate it to the City (see attached Staff Report). The proposed rezoning is consistent with the City’s Comprehensive Plan, the City of Winter Garden Code of Ordinances, and design requirements of the Plant Street Character Area Overlay.

Recommended Action: Staff recommends approval of Ordinance 19-17, with the second reading and approval hearing anticipated to be on the 4-25-19 City Commission agenda.

Attachment(s)/References:
Location Map
Staff Report
Ordinance 19-17
LOCATION MAP

N West Crown Point Road

CAPUD Rezoning
AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 14.87 +/- ACRES OF LAND GENERALLY LOCATED AT N. WEST CROWN POINT ROAD ON THE NORTHEAST CORNER OF N. WEST CROWN POINT ROAD AND E PLANT STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ALTA WINTER GARDEN CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 14.87 ± acres of certain real property generally located on the northeast corner of N West Crown Point Road and E Plant Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from C-2 (Arterial Commercial) to CAPUD (Character Area Planned Unit Development), and

WHEREAS, recently adopted Ordinance 17-06 amended Chapter 118 of the City of Winter Garden Code to add a new Article XIV to establish the East Plant Street Character Area, and to add a new Division 5 of Article V to establish the Character Area Planned Unit Development zoning district; and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

WHEREAS, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances;

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby
rezoned from C-2 (Arterial Commercial) to CAPUD (Character Area Planned Unit Development) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

a. **Conceptual Plan**- All development on the Property must substantially conform to the requirements identified in the Alta Winter Garden Character Area Planned Unit Development Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Alta Winter Garden Character Area Planned Unit Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.

b. **Zoning**- Unless specifically noted elsewhere in Exhibit “B” attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Character Area Planned Unit Development zoning district and the development standards of the East Plant Street Character Area and its Gateway District overlay area. These requirements include any approval procedures of the Planned Unit Development zoning district.

c. **Permitted Uses**- The permitted uses for the Property are as follows:
   1. Multi-family residential; a maximum of 250 dwelling units.
   2. Public parks and other public recreational facilities.
   3. Customary accessory uses and structures clearly incidental and subordinate to a permitted principal use.

d. **Prohibited Uses**- The prohibited uses for all areas of the Property are as follows:
   1. Any use not specifically outlined under the Permitted Uses.
   2. Without limiting the foregoing, all uses prohibited by Section 118-858(5), City of Winter Garden Code of Ordinances.

e. **Design Criteria/Architectural Standards**-
   1. **Architectural Standards**- Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural renderings, attached hereto as Exhibit “C”.
   2. **Maximum Building Height**- The maximum building height shall not exceed 45 feet.
   3. **Property Access**- The access points shown in Exhibit “B” are conceptual and subject to change based on additional traffic information that will be collected as part of the Site Plan approval.
process. Additional access points may be included with the final site plan. Cross access is required to the adjacent property to the east.

4. **Building Access** - Ground floor units oriented towards E Plant Street shall be permitted a direct access via a sidewalk connection to the frontage sidewalk.

5. **Landscape Design** - The property shall be required to adhere to the landscape design standards outlined in the Plant Street Character Area Design Plan and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.

6. **Site Design** - Bicycle racks, benches, and trash receptacles are required to be provided on site in quantities commensurate with the proposed use(s). The E. Plant Street streetscape shall adhere to the requirements of the Plant Street Character Area Design Plan, including locations of walking and planting zones in relation to the street and build-to line. Staff may consider approving a shift in the location of canopy trees to avoid utility conflicts, but the onus is on the applicant to prove that there is no solution that mitigates for these conflicts.

7. **Parks** - A minimum of five percent of developable area shall be reserved for park use generally consistent with the park types standards set forth in the Plant Street Character Area Design Plan.

   a) The park design shown in Exhibit “B” is conceptual. During the site development of the project, the Owner/Developer shall install infrastructure, pathways, sod and landscaping for the park generally consistent with the park design or as otherwise approved by the City. The park land shown on Exhibit “B” shall be conveyed to the City in fee simple ownership, free and clear of all liens and encumbrances, for use as a public park no later than the project obtaining the first certificate of occupancy for any project building.

8. **Setbacks and Required Yards** - All buildings and accessory structures shall adhere to the setbacks outlined in the Plant Street Character Area Design Plan and its Gateway District and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances, and as shown in Exhibit “B”. Building recesses that contribute to architectural articulation shall not be subject to the maximum setback requirements. All calculations shall exclude the parcel that is to be dedicated to the City for use as a public park.
9. **Outdoor Storage**- Outdoor storage of materials or equipment is prohibited.

10. **Signage**- All signage proposed for the Property shall comply with the Plant Street Character Area sign standards in accordance with the Plant Street Character Area Design Plan and Chapter 118, Article XIV. The signage shall be reviewed at time of Site Plan Review.

11. **Impervious Surface Area Ratio**- The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Character Area Planned Unit Development is permitted by Saint John’s River Water Management District.

12. **Lighting**- all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.

   a) **Street Lighting**: All lighting provided along public streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.

   b) **Site Lighting**: Vehicular, building, and pedestrian site lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. During the site plan review, a photometric lighting plan will be required.

f. **Staff Conditions**- All development on the Property must comply with the following staff conditions:

1. Fire sprinkler systems will be required on all buildings over 6,000 s.f. with Point of Service (POS), backflow prevention, etc. shown. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor.

2. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.

3. All dumpsters or compactors shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles.

4. Permit modification from SJRWMD for stormwater is required.
Permits or exemptions shall also be required from FDEP for water and sewer and FDEP NPDES NOI as may be applicable.

5. All existing wells shall be plugged/capped per SJRWMD requirements – well closure permit required.

6. Any screen walls or retaining walls shall require a separate permit from the Building Department.

7. All underdrain pipe shall be double wall HDPE pipe or PVC pipe.

8. Any offsite drainage coming onto the site shall be accommodated.

9. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer’s expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.

10. Conceptual utility plans have been shown. This will be reviewed and commented on further at the construction plan phases (i.e. connection points, line sizes, etc.). The preliminary utility plans will need to show:
   
a) Size of all proposed water meters with backflow preventers.
   
b) Fire line and DDCVA needs to be in line with the proposed water tap. The domestic water taps can be installed with service saddles or tee prior to the DDCVA.
   
c) Irrigation meter size, to be supplied from reclaimed water main.

11. Site lighting will be required as well as street lighting on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code. The Developer is required to have street lights installed along all street frontages, including payment of the first year of operation.

12. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.

13. If HDPE pipe is being specified (shown on plan) it shall meet all City material and installation requirements as specified in the City’s Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).

14. Landscaping shall not encroach on required sight lines at
intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met (show sight triangles if applicable). No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.

15. Unless otherwise required herein or within the Plant Street Character Area Design Plan, minimum 5’ wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code. Existing sidewalks, curbs, & pavement will be checked at completion and any damaged sections shall be replaced.

16. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

17. All work shall conform to City of Winter Garden standards and specifications.

18. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

19. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

20. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: General Requirements.

a. Development Agreement- If deemed necessary by City Staff, a
Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.

b. **Stand Alone Clause**- Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

c. **Land Development Approvals and Permits**- This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City’s Code of Ordinances and subject to this Ordinance.

d. **Amendments**- Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

e. **Expiration/Extension**- Expiration of this CAPUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 3: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**SECTION 4: Non-Severability.** Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

**SECTION 5: Effective Date.** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** _______________________, 2019.

**SECOND READING AND PUBLIC HEARING:** _______________________, 2019.

**ADOPTED this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.**

**APPROVED:**
ATTEST:

ANGELA GRIMMAGE, City Clerk
Exhibit “A”

Parcel ID: 12-22-27-6496-04-002; 13-22-27-0000-00-055

LEGAL DESCRIPTION (PROVIDED BY SURVEYOR):

DESCRIPTION: (Prepared by Surveyor)

A TRACT OF LAND LYING IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA, AND BEING A PART OF TRACT D, OF OVERSTREET CRATE COMPANY’S LAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE RUN S00°10'30"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 FOR A DISTANCE OF 33.53 FEET; THENCE, DEPARTING SAID WEST LINE, RUN S90°00'00"E FOR A DISTANCE OF 46.97 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD BEING THE POINT OF BEGINNING; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN N89°38'00"E ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5903, PAGE 2813 OF SAID PUBLIC RECORDS, FOR A DISTANCE OF 61.32 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED AS PARCEL 108 IN OFFICIAL RECORDS BOOK 9752, PAGE 0706 OF SAID PUBLIC RECORDS; THENCE, DEPARTING SAID SOUTH LINE, RUN THE FOLLOWING FOUR (4) COURSES ALONG THE WEST, SOUTH AND EAST BOUNDARY LINES OF SAID PARCEL 108: 1) S00°18'15"E, 78.60 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 485.00 FEET AND A CHORD BEARING OF S12°13'33"E; 2) THENCE RUN SOUTHERLY ALONG SAID WEST BOUNDARY AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°50'35" FOR A DISTANCE OF 201.83 FEET; 3) THENCE RUN N89°38'05"E ALONG SAID SOUTH BOUNDARY, FOR A DISTANCE OF 798.99 FEET; 4) THENCE RUN N00°21'55"W ALONG SAID EAST BOUNDARY, 274.72 FEET TO THE AFORESAID SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5903, PAGE 2813; THENCE RUN N89°38'00"E ALONG SAID SOUTH LINE FOR A DISTANCE OF 464.19 FEET TO A POINT ON A LINE PARALLEL WITH AND 587.86 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 13; THENCE RUN S00°06'54"E FOR A DISTANCE OF 434.77 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF EAST PLANT STREET (ALSO KNOWN AS STATE ROAD NO. 438) AS DESCRIBED IN OFFICIAL RECORDS BOOK 10086, PAGE 6226 (PARCEL 114) OF SAID PUBLIC RECORDS, AND AS DESCRIBED IN OFFICIAL RECORDS BOOK 9752, PAGE 0706 (PARCEL 107) OF SAID PUBLIC RECORDS, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2139.99 FEET AND A CHORD BEARING OF S74°21'42"W; THENCE, FROM A TANGENT BEARING OF S80°47'58"W, RUN SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°46'33" FOR A DISTANCE OF 480.91 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, RUN S87°05'25"E FOR A DISTANCE OF 690.16 FEET; THENCE, S79°30'08"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 49.68 FEET; THENCE, S68°04'29"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 150.97 FEET; THENCE, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, RUN N50°35'46"W FOR A DISTANCE OF 56.83 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD AS DESCRIBED IN THE AFORESAID OFFICIAL RECORDS BOOK 9752, PAGE 0706; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE: 1) N01°15'53"W, A DISTANCE OF 607.75 FEET TO THE WESTERLY LINE OF A 30.00' FEET WIDE RAILROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 5755, PAGE 1297 AND OFFICIAL RECORDS BOOK 6218, PAGE 2482, BOTH OF SAID PUBLIC RECORDS, AND TO A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 633.54 FEET AND A CHORD BEARING OF N46°34'00"W; 2) THENCE RUN N00°22'00"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.63 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY AND ALL RIGHT-OF-WAY CONVEYANCES AND ORDER OF TAKINGS FOR EAST PLANT STREET ALONG THE SOUTHEASTERLY BOUNDARY AND FOR WEST CROWN POINT ROAD ALONG THE WEST BOUNDARY.

CONTAINING 14.865 ACRES MORE OR LESS AS DESCRIBED HEREIN AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS, CONDITIONS, AND EASEMENTS OF RECORD.
Exhibit "B"

COVER PAGE

ALTA WINTER GARDEN
CAPUD PLAN

(30 PAGES - ATTACHED)
PRELIMINARY DEVELOPMENT PLAN FOR ALTA WINTER GARDEN

PARCEL ID NO.: 12-22-27-6496-04-002
CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
PROPOSED ZONING: CAPUD
EXISTING FLU: MUD/CROWN POINT HIGH-TECH ACTIVITY CENTER

FOR

WP SOUTH ACQUISITIONS, L.L.C.

636 W. YALE STREET
ORLANDO, FL 32804
PH (407) 982-2516

MADDEN
MOORHEAD & STOKES, INC.
CIVIL ENGINEERS
431 E. HORATIO AVENUE, SUITE 260
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336

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Exhibit “C”

COVER PAGE

ALTA WINTER GARDEN
Architectural Elevations

(2 PAGES - ATTACHED)
Building 1 - Street front elevation
INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations and Comprehensive Plan.

The subject property, located at the northeast corner of E Plant Street and N West Crown Point Road, is approximately 14.87 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting to rezone 14.87 ± acres of land to CAPUD (Character Area Planned Unit Development). The subject property is located within the City of Winter Garden municipal limits, and currently carries the zoning designation C-2 (Arterial Commercial District). The subject property is designated MUD Multi-Use Development on the Future Land Use Map of the Comprehensive Plan. The MUD Future Land Use designation was recently amended to allow an increase in the maximum allowed residential density by development bonus (Ord 18-36).

The subject property is located within the Gateway District of the Plant Street Character Area overlay. The Character Area Planned Unit Development zoning district was established by Ordinance 17-06 and was adopted by City Commission on June 22, 2017.

**EXISTING USE**

The majority of the subject property currently consists of open, vacant, undeveloped land, although it does currently contain a 2,000 +/- square foot warehouse structure accessed via an unpaved driveway, as well as a number of parked cars. Railroad tracks bisect the lot at an angle towards the western property line.

**ADJACENT LAND USE AND ZONING**

There are two properties to the north of the subject property. One contains a drainage pond that is owned and maintained by the City of Winter Garden and is zoned C-2, and the other contains an industrial facility and laydown yard (Advanced Drainage Systems) and is zoned I-2. Both properties are located in the City of Winter Garden’s municipal limits.

There are several vacant, undeveloped parcels to the south of the subject property that are zoned C-2 and are located in the City.

To the east of the subject property is a C-3 zoned property that contains several office buildings, including a historic 3-story structure that currently houses a law office (commonly known as the Britt Mansion). This property is located in the City’s municipal limits.

There are a number of properties to the west of the subject property. Several of these properties are zoned I-2 and contain industrial buildings or drainage infrastructure. One parcel contains a segment of railroad tracks. The parcel at the corner of E Plant St and N West Crown Point Rd contains a gas station with a convenience store (7 Eleven) and is zoned C-2. All of these parcels are located in Winter Garden.

**PROPOSED USE**

The applicant is requesting CAPUD rezoning to permit the development of the +/- 14.87-acre site, which includes demolishing the existing structure and constructing five new 3-story multi-family buildings, which will feature a combined 250 apartment dwelling units. There will be eight new linear garage buildings constructed adjacent to the 400 uncovered surface parking spaces. The development also includes associated site development such as recreation areas, sidewalks/plazas, and landscaping. The applicant is also proposing to develop the land located west of the train tracks as a park and dedicate it to the City. The project has been designed to meet the pedestrian-oriented design requirements of the Plant Street Character Area Overlay.
COMMUNITY MEETING

On March 6, 2019, a community meeting was held in the City Commission Chambers to discuss the proposed CAPUD rezoning with surrounding property owners. The meeting attendees had many questions about drainage issues in the surrounding residential areas, however none of those drainage issues were related to the proposed development of the subject property. Other questions were posed about the apartment units being market rate (as opposed to Low Income Housing), the ongoing plans for the East Winter Garden Community, the timeline of the project, plans to mitigate traffic impacts, and consistency with the new Plant Street Character Area Overlay.

APPROVAL CRITERIA

In accordance with the City’s Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

(1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

   The proposed CAPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

(2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

   The proposed CAPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city’s land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, the proposed CAPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter knee wall.

(3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

   The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner.

   Prior to any board approvals, a Developer’s Agreement detailing the obligations of the developer associated with the proposed CAPUD may be required. The requirement for a Developer’s Agreement will be determined during Site Plan Review.
(4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed CAPUD project is consistent with the comprehensive plan’s goals, objectives and policies for the Multi Use Development future land use designation; the CAPUD zoning criteria; and the City’s land development regulations. The proposed development will not exceed 30 dwelling units per acre (20 du/ac is proposed), which is consistent with the Comprehensive Plan policy for the Multi Use Development FLU.

The proposed CAPUD is not premature or presently out of character in relationship to the surrounding area. The surrounding area features a mix of uses: from commercial, to industrial, to low and medium density residential. The proposed multi-family units will add to the already diverse mix of uses in the area, which is supported by the City’s Comprehensive plan as it relates to the Crown Point High-Tech Activity Center as well as the Plant Street Character Area Overlay. The 53+ acre property to the south is vacant, but is currently being master planned to be a large mixed-use development with retail, office, and residential uses.

(5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

In accordance with the City’s comprehensive plan, the zoning designations permitted within the Multi Use Development future land use designation include Planned Development zoning designations. Further, in accordance with land development regulations and the comprehensive plan, the proposed CAPUD will provide for adequate buffering against adjoining properties and rights-of-way.

(6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

The current conceptual layout depicts transportation access being provided by two driveways, both of which access E Plant Street. These driveways shown are conceptual and are subject to change based on information gathered during the Site Plan Approval Process. Other potential access locations include a driveway that runs in between the subject property and the property to the east, as well as an access to the property from N West Crown Point Road. Each of these options pose logistical challenges that will need to be resolved during the Site Plan Approval process.

The project is not anticipated to have a significant impact on local traffic. E Plant Street is a four-lane arterial (at this location) that currently has capacity to handle the traffic generated by 250 new dwelling units.

All driveway improvements will be constructed at the owner’s expense and in compliance with City concurrency standards for transportation.

(7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.
The proposed CAPUD project is consistent with the comprehensive plan’s goals, objectives and policies for the Multi Use Development future land use designation and the CAPUD zoning criteria and land development regulations. Only residential uses are proposed, the building will have only three stories (up to five are permitted by the MUD Future Land Use Designation), and the property will not have a density that exceeds 30 dwelling units per acre. This is consistent with the Comprehensive Plan policy for the Multi Use Development FLU.

(8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed CAPUD project integrates several elements that provide for cohesion between existing natural features/resources and the uses surrounding the property. The project includes significant pedestrian improvements, especially along E Plant Street, including a wide 7.9’ sidewalk (6’ min. is required for north side of E Plant Street) with street tree plantings and other pedestrian furnishings and amenities. This new sidewalk ties into the existing concrete sidewalks located within the adjacent rights-of-way. The main building entrances along E Plant Street will be punctuated by outward-facing pedestrian plazas. These improvements will enhance pedestrian and bicycle circulation in the area. Furthermore, over two acres of land on the corner of E Plant Street and N West Crown Point Road will be dedicated to the City to be developed as a public park, which will satisfy the 5% land area for parks requirement of the Plant Street Character Area overlay.

Independent of the park land, only 58% of the project area will be covered by impervious surfaces, leaving the other 42% of the property consisting of pervious green areas. Internal to the development, approximately 7.6% of the property will be developed with outdoor recreation facilities (pool, plazas, dog park, etc.) for use by residents.

(9) Prevention of erosion and degrading or enhancement of the surrounding areas.

To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

(10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The subject property complies with the impervious surface maximum requirements of the Land Development Code (65%) and over two acres of land on the corner of E Plant Street and N West Crown Point Road will satisfy the parks requirement of the Plant Street Character Area overlay.

Stormwater management for the proposed CAPUD project will be provided in on-site or approved off-site stormwater management areas to satisfy the City of Winter Garden and the St. John’s Water Management District.

(11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The subject property will feature various open spaces including landscape areas, outdoor
recreation facilities, pedestrian plazas, and over two acres of land that will be dedicated to
the City for use as a public park. There are no current or future plans to develop the other
designated open space areas – they will remain open in perpetuity under single
ownership.

(12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the
preliminary development plan to exist as an independent development.

The proposed project is anticipated to be completed in one phase. If any phasing is
proposed, each phase of the project will be required to stand alone as a complete project.

(13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Staff will require that the development connect to reclaimed water service. All other
necessary utility lines (water, sanitary sewer, etc.) will be connected to serve the
development of the property, and all connection costs shall be borne by the property
owner.

(14) The benefits within the proposed PUD development and to the general public to justify the
requested departure from standard land use requirements inherent in a PUD classification.

The proposed CAPUD includes requirements regarding specific development and
architectural standards, as outlined in an exhibit that is part of the CAPUD ordinance. The
building architecture must adhere to the elevations exhibited with the CAPUD
ordinance, and the site must be developed in a way that is largely consistent with the
exhibited site plan. Staff has worked closely with the applicant to ensure the project
achieves pedestrian-oriented design, architectural quality, adequate buffering, streetscape
amenities, and aesthetic harmony with surrounding properties.

(15) The conformity and compatibility of the proposed common open space, residential and/or
nonresidential uses within the proposed PUD.

The proposed open spaces, which include the streetscape improvements and the proposed
land to be dedicated to the City as a public park, are inclusive, pedestrian friendly, and
meet all requirements of City Code and the Comprehensive Plan.

(16) Architectural characteristics of proposed residential and/or nonresidential development.

Staff has coordinated closely with the applicant to ensure the proposed three-story
apartment buildings exhibit quality architectural design and will fit in harmoniously with
the character of surrounding properties and the architectural standards of the Plant Street
Character Area overlay. The buildings are required to be consistent with the elevations
exhibited in the CAPUD, which feature a Florida vernacular architectural style with an
articulated stucco first floor façade, and siding on the second and third floor facades. The
roof is proposed to be sloped with architectural shingles. Porches will be provided for
first floor units and balconies on the second and third floors. The building massing varies
with projections and recesses, and several of the buildings feature prominent front entry
features along E Plant Street. The parking will be located internal to the development and
should be almost entirely invisible from adjacent roads. Many of the most significant
building features will be oriented towards E Plant Street, presenting a quality “front” face
to the larger community.
(17) A listing of the specific types of uses to be allowed.

The permitted uses in the proposed CAPUD include multifamily residential and public parks and recreation facilities. The property has a Multi Use Development Future Land Use designation which permits “…office, research and development, high technology, support retail, hotel/motel, restaurants, personal services, professional services, business and financial institutions, office showrooms, and multifamily residential uses”. Furthermore, the CAPUD zoning designation permits multifamily residential uses.

PLANT STREET CHARACTER AREA REQUIREMENTS

In addition to the rezoning criteria, when considering a rezoning to character area planned unit development that incorporates deviations from the development standards of City of Winter Garden Code Chapter 118, Article XIV, the city shall consider the extent to which the proposed development, taken as a whole (staff conclusions/findings are underlined):

(1) Advances the stated vision and principles of the character area, including:

a. Promotes modes of transportation other than the automobile, including walking and transit;

The project includes significant streetscape improvements along E Plant Street including a wide 7.9’ sidewalk (6’ min. is required for north side of E Plant Street), street trees and other street landscaping, pedestrian plazas, as well as pedestrian furnishings and amenities. The proposed pedestrian improvements will tie into other existing adjacent pedestrian and bicycle facilities, including the nearby West Orange Trail. The parking areas are located in the rear portion of the property away from the street, deemphasizing the automobile as the sole transportation option.

b. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and

The design of the building is centered on enhancing the pedestrian experience. The E Plant Street elevations feature doors that open directly onto the sidewalk, promoting walking traffic and “street life”. The building is located close to the road, which helps inform the “edge” of the street and gives pedestrians the feeling of a safer, more enclosed walking experience. Additionally, by dedicating over two acres of land for use as a public park on the corner of N West Crown Point Road and E Plant Street, as well as developing pedestrian plazas at several main building entrances, pedestrians are invited to stay and interact with the site, creating a sense of place and contributing to the vibrancy of the area.

c. Contributes to a mix of uses in the area that are compatible with each other and work together to support the stated vision.

The proposed development will provide quality market-rate rental housing units, which will fit in well among the other existing and proposed uses in the area, including the 50+ acre mixed use development that is currently being planned for the property to the south.

(2) Is consistent with the intent of the standards applicable to the sub-district and district in
which it is located.

The proposed development is consistent with the standards and overall vision of the Gateway District.

(3) Is physically and functionally integrated with the built environment in which it is located; and

The proposed development will integrate seamlessly with the built environment, responding to the existing street alignment by pushing the building close to the roads and providing an outward-facing community-oriented space in the form of over two acres of land at corner of E Plant Street and N West Crown Point Road, which will be dedicated to the City to be developed as a public park.

(4) The potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.

No adverse impacts to surrounding properties are anticipated to be created by the proposed development.

SUMMARY

City Staff recommend approval of the proposed Ordinance 19-17. Rezoning the subject property from C-2 to CAPUD is consistent with the City’s Comprehensive Plan, Future Land Use Map, land development regulations, Plant Street Character Area Design Criteria, and is consistent with the trend of development in the area.
AERIAL PHOTO
N West Crown Point Road
ZONING MAP

N West Crown Point Road
FUTURE LAND USE MAP
N West Crown Point Road

END OF STAFF REPORT
From: Steve Pash, Community Development Director
Via: City Manager Mike Bollhoefer
Date: March 7, 2019
Meeting Date: March 14, 2019
Subject: 43 1st Street
VMG Office PCD
Ordinance 19-15
Parcel ID # 23-22-27-8816-02-050; 23-22-27-8816-02-070

Issue:
Note: Although it was read at the 3-28-19 City Commission Meeting, the adoption hearing for Ordinance 19-15 was advertised for the 4-11-19 City Commission agenda.

The applicant is requesting to rezone the property located at 43 1st Street to Planned Commercial Development (PCD).

Discussion:
The applicant is requesting to rezone the +/- 0.54 acre property located at 43 1st St to PCD to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The project also includes associated site elements such as parking areas, sidewalks, drive aisles, and landscaping (see attached Staff Report). The proposed rezoning is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances.

Recommended Action:
Staff recommends approval and adoption of Ordinance 19-15.

Attachment(s)/References:
Location Map
Staff Report
Ordinance 19-15
LOCATION MAP

43 1st Street

PCD Rezoning
INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street and is approximately 0.54 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting to rezone 0.54 ± acres of land to Planned Commercial Development (PCD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2 (Arterial Commercial District) in the City of Winter Garden. The subject property is designated TD Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

The subject property is located within the City of Winter Garden’s Historic Downtown District overlay area.

**EXISTING USE**
The subject property is composed of two parcels that the applicant is proposing to combine as part of the development process. The subject property currently contains an 1,800 +/- square foot masonry commercial office building that was constructed in 1920 and a 1,500 +/- square foot warehouse building constructed in 2016. The south side of the property also currently features an asphalt-paved parking area that is in poor condition.

**ADJACENT LAND USE AND ZONING**
The property located to the west of the subject property is developed with a two-story mixed-use commercial and residential building. The property is zoned C-2 and is located with the City of Winter Garden’s municipal limits. The property to the north of the subject property contains a single-story warehouse building, is zoned C-2, and is located in the City. The property to the east is developed with several commercial and industrial buildings that are associated with the Winter Garden Citrus Growers Association. This property is zoned C-2 and is located in the City. The property to the south contains a segment of CSX railroad tracks. This property does not have a zoning designation and is located in Unincorporated Orange County.

**PROPOSED USE**
The applicant is requesting PCD rezoning to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The new building will house VMG’s office headquarters as well as other office uses. The development also includes associated site development such as new parking areas, sidewalks, drive aisles, and landscaping. Proposed permitted uses for the property include professional office, personal services, and light industrial uses that are accessory to a primary office use.

The proposed architectural elevations received approval from the City’s Architectural Review and Historic Preservation Board on August 21, 2018.

**PUBLIC FACILITY ANALYSIS**
The property will have two vehicular access points onto 1st Street, which is the same number that currently exist on site. The northern driveway will be maintained, while the access point to the south will be developed as a one-way exit only driveway.

Water, sewer, and reclaimed utilities by the City of Winter Garden will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department
under the First Response System.

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

**SUMMARY**

The proposed development is a reasonable use of the land. The proposed development will not generate a significant increase in traffic volume beyond that which is currently generated by other developments in the area. This type of development is consistent with other commercial and light industrial developments that exist in this area of Historic Downtown.

Staff has coordinated with the applicant, who has received approval from the Architectural Review and Historic Preservation Board to ensure that the development of the property will be consistent with the Historic Downtown District in terms of the building architecture, site design, and permitted uses.

The proposed rezoning from C-2 to PCD is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from C-2 to PCD subject to the conditions outlined in Ordinance 19-15.
ORDINANCE 19-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of that certain real property generally described as approximately 0.54 ± acres of certain real property generally located at 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City C-2 (Arterial Commercial District) to City PCD (Planned Commercial Development), and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, and

WHEREAS, the City Commission finds bases on competent substantial evidence in the record that the rezoning approved by this Ordinance meets all applicable criteria for rezoning under the Comprehensive Plan and the Code of Ordinances, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on Exhibit “A,” is hereby rezoned from (C-2) Arterial Commercial District to (PCD) Planned Commercial Development in the City of Winter Garden, Florida subject to the following conditions provisions and restrictions:

a. **Applicability/Conflict.** All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance. Unless specifically identified in this Ordinance, all development on the
Property identified in Exhibit “A” must comply with the general development standards of the C-1 (Central Commercial District) Zoning district and comply with the standards outlined in Chapter 98, Article VII regarding the City of Winter Garden Historic Downtown District Overlay Requirements. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict.

b. **Intent.** This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote a commercial development that provides an aesthetically pleasing and pedestrian oriented development within the context of Historic Downtown Winter Garden. Permitted and special exception uses will be established to maintain a safe, well developed project that enhances and supports the City and its citizens without causing distress on the nearby residents, local businesses, and roads.

c. **Development Plans.** The Property shall be developed in substantial conformance with the Preliminary Development Plans attached hereto as Exhibit “B”. Should any conflict exist between this Ordinance and the Preliminary Development Plans attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control to the extent of the conflict.

d. **Design Criteria / Architectural Standards.**

   1. **Architecture** - All new buildings and accessory structures within the Property shall adhere to the architectural character exhibited by the VMG Office Building Elevations, attached hereto as Exhibit “C”.

   2. **Landscape Design** – Unless precluded by existing overhead power lines, landscaping located adjacent to public rights-of-way shall include canopy trees planted at a maximum of 50’ on center along the road frontage. These trees may be located within a landscape bed or within tree grates installed along the frontage sidewalk. All other areas shall be required to adhere to the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.

   3. **Site Furnishings** – Bicycle parking spaces shall be provided in a
quantity commensurate with the proposed uses. Benches and trash receptacles shall be provided near the main building entrances.

4. **Impervious Surface Area Ratio** - The maximum impervious surface area ratio for the Property shall not exceed 80% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is designated and permitted for by Saint John's River Water Management District.

5. **Dark Skies** - all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.

6. **Building Height** - The maximum building height shall not exceed 40 feet.

7. **Setbacks and Required Yards**
   i. Front: 6'
   ii. Side: 5'
   iii. Rear: 5'

e. **Permitted Uses** - The permitted uses allowed on the Property are as follows:
   1. Professional Office Uses.
   2. Warehousing & Light Industrial Uses if they are accessory to a primary office use.

f. **Special Exception Uses** - The special exception uses for this Property are as follows:
   1. Other uses which the Planning and Zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses.

g. **Prohibited Uses** - Any use not specifically set forth in this Ordinance as a Permitted or Special Exception Use is prohibited. Without limiting the foregoing, the following are expressly prohibited:
   1. Any use prohibited in the C-1 Zoning District not specifically outlined under the Permitted or Special Exception Uses.
   2. Automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof.
   3. Daycares.
4. Nursing homes or assisted living facilities.
5. Dry cleaners.
7. Manufacturing and heavy industrial uses, transportation terminals, large-scale storage warehousing and other activities of a similar nature.
10. Churches, temples, synagogues, mosques, or other religious gathering places.
12. Crematories/Funeral Homes.
13. Adult entertainment.
14. Adult or pornographic book, magazine, video, and novelty stores or sales.
15. Any use not in keeping with a pedestrian-oriented, mixed-use, historic downtown character.

SECTION 2: Staff Conditions.

1. Plans and supporting calculations shall be signed and sealed by the appropriate design professional as required by statute and administrative code.

2. The Applicant shall submit plans and documentation showing adherence to Section 118-68, requirements for site plans, as required by the City Code.

3. General Requirements:
   a) All gravity sanitary pipe and fittings shall be SDR 26.
   b) All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
   c) As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
   d) All Storm (>12”) and Sanitary lines (>6”) shall be inspected by CCTV prior to completion.

4. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water (if available) and sanitary sewer. 100% of all required water,
irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.

5. Sanitary lines for commercial buildings shall be 6” minimum.

6. A binding lot agreement will be required to combine the parcels. City Commission Approval is required.

7. Final plans shall show drainage for the site (to be supported by the soil report).

8. If existing buildings are to be demolished, a demolition permit will be required.

9. Four 9’ X 18’ parking spaces with no overhang are permitted as shown on the Preliminary Development Plans (Exhibit “B”). These spaces shall be labeled “Compact”.

10. Minimum 5’ wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Any damaged, broken or cracked sections (including existing curbs and pavement) shall be replaced prior to issuance of certificate of occupancy.

11. The use of HDPE pipe shall meet all City material and installation requirements as specified in the City’s Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).

12. A geotechnical report is required for review and as the basis for the site and stormwater design.

13. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. Irrigation system shall include a building-mounted weather station.

14. A separate tree removal permit is required to remove any trees.

15. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.

16. Permit from SJRWMD is required as well as permits or exemptions from FDEP for water, wastewater and NPDES. FDOT drainage, utility, and driveway permits required (if applicable).

17. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

18. All work shall conform to City of Winter Garden standards and specifications.
19. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.

20. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

21. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

22. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 3: General Requirements.

a. Land Development Approvals and Permits - This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City’s Code of Ordinances and subject to this Ordinance.
b. Amendments- Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

c. Expiration/Extension- Expiration of this PCD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

SECTION 4: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 5: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 6: Effective Date. This Ordinance shall become effective upon adoption at its second reading.


ADOPTED this _____ day of _____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

____________________________________
JOHN REES, Mayor/Commissioner

ATTEST:

____________________________________
ANGELA GRIMMAGE, City Clerk
Exhibit “A”


Legal Description:
Lots 5, 6, 7 and 8 BLOCK 2, of TWIN CITY DEVELOPMENT Subdivision, according to the Plat thereof, recorded in Plat Book E, Page 26, Public Records of Orange County, Florida, LESS that portions lying within the railroad right-of-way
Exhibit “B”

COVER PAGE

VMG OFFICE
PRELIMINARY DEVELOPMENT PLANS

(6 PAGES - ATTACHED)
VMGC OFFICE PCD
WINTER GARDEN, FLORIDA
JANUARY 2019

SHEET INDEX:
Co00  COVER SHEET
Co01  DEVELOPMENT SITE & UTILITY PLAN
Lg  PLANTING PLAN
Erig  SITE PLAN ELECTRICAL
Eto  SITE PLAN PHOTOGRAPHIC
ARCH 1  EXTERIOR RENDERINGS

PROPERTY DESCRIPTION:

ALLOWABLE USES:
HIGH RESIDENTIAL USES; OFFICE, WAREHOUSE AND LIGHT MANUFACTURING

DRainage STATEMENT:

1. ON-SITE STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED TO MEET ST. JAMES LENS WATER MANAGEMENT DISTRICT (SJLWMD) AND CITY OF WINTER GARDEN REQUIREMENTS

2. STORMWATER MANAGEMENT SYSTEM WILL COMPLY WITH SURFACE WATER AND AQUIFERS CRITERIA. WEEDS RECHARGE BASIN RECHARGE CRITERIA DOES NOT APPLY AS ON-SITE SOILS ARE NOT BENCH TYPE "A" SOILS PER THE ICS SOILS MAP.

ZONING INFORMATION:

SITE: C-2
FRONT/REAR: 1ST ST./C-2
SIDE: C-2
AGRO/ROWC-2
REAL/LOT: C-2

CONTACT INFORMATION:

OwNers:
WINTER GARDEN CITY
100 SutaHSt.
WINTER GARDEN, FL 34787
Phone: 407-855-192
Fax: 407-855-192
E-MAIL: water@wintergardenfl.gov

Architect:
KLEIN ARCHITECTURE
612 S. BROADWAY AVE.
MINNEAPOLIS, MN 55404
Tel: 612-338-2121
Fax: 612-338-2121
E-MAIL: kai@kleinarchitecture.com

Engineer:
WINTER GARDEN CITY ENGINEERING
100 SUTAHP STREET
WINTER GARDEN, FL 34787
Phone: 407-855-192
Fax: 407-855-192
E-MAIL: cityengineer@wintergardenfl.gov

Surveyor:
LANE SURVEYING
188 S. 2ND ST.
HONOLULU, HI 96813
Tel: 808-930-700
Fax: 808-930-700
E-MAIL: lane@lanesurveying.net

Landscape Architects:
LAWSON LANDSCAPING
1501 S. 2ND ST.
WINTER GARDEN, FL 34787
Phone: 407-855-192
Fax: 407-855-192
E-MAIL: lane@lanesurveying.net

Eakin WOOD, LAWRENCE, INC.
1501 S. 2ND ST.
WINTER GARDEN, FL 34787
Phone: 407-855-192
Fax: 407-855-192
E-MAIL: lane@lanesurveying.net

Vicinity & Existing Zoning Map
"Map of Vicinity & Existing Zoning in City of Winter Garden, Florida 34787"
Exhibit “C”

COVER PAGE

VMG OFFICE
ARCHITECTURAL ELEVATIONS

(1 PAGE - ATTACHED)
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: April 4, 2019  Meeting Date: April 11, 2019

Subject: Code Amendment – Section 98-189
Ordinance 19-18

Issue:
The City is proposing to amend Section 98-189 concerning the quorum and voting requirements of the Architectural Review and Historic Preservation Board.

Discussion:
The City is proposing to change the Code concerning the quorum and voting requirements of the Architectural Review and Historic Preservation Board to establish what makes a quorum.

Recommended Action:
Staff recommends approval of Ordinance 19-18.

Attachment(s)/References:
Ordinance 19-18
ORDINANCE NO. 19-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 98-189 OF CHAPTER 98 OF THE CITY CODE TO AMEND THE QUORUM AND VOTING REQUIREMENTS OF ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD; PROVIDING FOR CODIFICATION, CONTROL, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the quorum and voting requirements of the Architectural Review and Historic Preservation Board (“Board”) in order to make it easier to transaction business of the Board.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: Adoption: Section 98-189(2)g. of the Winter Garden Code of Ordinances is hereby amended to read as follows (struckout text indicates deletions while underlined text indicates additions; provisions not included are not being amended):

Sec. 98-189. – Architectural review and historic preservation board (board).

***

(2) Board membership, officers, etc.

***

g. Quorum. Four members of the architectural review and historical preservation board shall constitute a quorum for the purposes of holding meetings and transacting business. However, no action on an item before the board shall be final or binding unless such action is approved or disapproved by a majority of the members of the board present once a quorum is established in its entirety. A member of the board who is physically present for a board meeting shall be counted for the purposes of establishing a quorum regardless if such member abstains from voting on one or more items considered during the meeting.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.
SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: ____________, 2019

SECOND READING AND PUBLIC HEARING: ____________, 2019

ADOPTED this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

________________________________________
John Rees, Mayor/Commissioner

ATTEST:

________________________________________
ANGELA GRIMMAGE, City Clerk
request for proposals for construction services for 9th street gravity sewer & force main improvements regal pointe blvd. to plant street

staff has completed the request for proposal process for the construction services for 9th street gravity sewer & force main improvements. the project consists of installing approximately 1,984’ of new water main, 4,590’ of force main and 699’ of gravity sewer. a total of six companies responded with submittals for this contract.

the proposals were reviewed and evaluated on the following:

<table>
<thead>
<tr>
<th>Selection Criteria</th>
<th>Points</th>
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<tbody>
<tr>
<td>Resources, Equipment and Personnel</td>
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<tr>
<td>Past Performance and Experience of the Contractor</td>
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<td>Ability to Meet Time Schedule Requirements</td>
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<td>Costs</td>
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<td>Total</td>
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recommended action:

recommend approving the rfp rankings and awarding construction services contract for 9th street gravity sewer & force main improvements to cathcart construction company in the amount of $4,220,685 plus a 10% contingency for a total of $4,642,753.50.

attachments/references:

spreadsheet showing the total points awarded during the rfp ranking process.
<table>
<thead>
<tr>
<th>FIRMS</th>
<th>Total Points</th>
<th>Ranking</th>
<th>Total Bid Amount</th>
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<td>Garney Construction</td>
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<td>Metro Equipment Service, Inc.</td>
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<td>Central Florida Environmental Corp.</td>
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<td>SanPik, Inc.</td>
<td>306</td>
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<td>Jaret Construction (WD Site Development)</td>
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<td>6</td>
<td>$ 3,799,222.61</td>
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From: Jon Williams, Assistant City Manager - Public Services

Via: Mike Bollhoefer, City Manager

Date: April 4, 2019  Meeting Date: April 11, 2019

Subject: Approval of the rankings for the request for proposal submittals received for continuing services contracts to perform roadway roadbase, asphalt, curbs, gutters, sidewalks, and other misc. concrete repairs.

Issue: Staff has completed the request-for-proposals process for continuing services contracts to have multiple contractors perform roadway roadbase, asphalt, curbs, gutters, sidewalks, and other misc. concrete repairs throughout the city. The following four contractors have been selected for the City Commission’s consideration:

- Cathcart Construction Company, LLC
- Central Florida Environmental Corp.
- Stage Door II, Inc.
- VMG Construction, Inc.

The work will be performed on an as-needed basis. Compensation is based on each contractor’s submitted fee schedule.

Recommended action:

Recommend approving the RFP rankings and awarding continuing services contracts to perform roadway roadbase, asphalt, curbs, gutters, sidewalks, and other misc. concrete repairs with the following contractors:

- Cathcart Construction Company, LLC
- Central Florida Environmental Corp.
- Stage Door II, Inc.
- VMG Construction, Inc.

Attachments/References:

Spreadsheet showing the total points awarded during the RFP ranking process.
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</table>
The Donald Drive drainage improvement project consists of constructing an open swale to collect runoff from the roadway, installing culverts and driveway aprons for each of the homes along Donald Drive.

TD Thomson Construction Inc. provided the estimate in the amount of $56,409.25.

Recommended Action:

Staff recommends approving a Purchase Order in the amount of $56,409.25 to TD Thomson Construction Inc. for the Donald Drive Drainage Improvements.

Attachments/References:

Estimate from TD Thomson Construction Inc.
# Estimate

**Date** 2/18/2019  | **Estimate #** 923

## Name / Address

City of Winter Garden  
Attention: Jim Monahan  
300 W Plant Street  
Winter Garden, FL 34787

## Project

**Donald Drive Drainage**

<table>
<thead>
<tr>
<th>Description</th>
<th>Qty</th>
<th>Unit</th>
<th>Rate</th>
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**NOTES***

NO IMPORT FILL  
EXCESS FILL TO GO TO CITY YARD  
IRRIGATION LINE REPAIRS NOT INCLUDED  
ONLY ABOVE INCLUDED

---

This quote is based on the availability of materials.  
This quote is good for 30 days.

tdthomsonconst@embarqmail.com  
407-654-8388

**Total**  
$56,409.25
THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Jon Williams, Assistant City Manager – Public Services
Via: Mike Bollhoefer, City Manager
Date: April 4, 2019 Meeting Date: April 11, 2019
Subject: Professional Engineering Services Contract

Issue: Staff has completed the request for qualifications process for the continuing professional engineering services contracts. A total of eleven firms responded with submittals for this contract.

The firms were ranked on experience, past performance, resources/equipment, location of office, and workload. The following four firms received the highest ranking using these criteria:

- Cribb Philbeck Weaver Group (CPWG)
- Mead & Hunt
- Pegasus Engineering, Inc.
- Neel-Schaffer, Inc.

The engineering services will be related to water, wastewater, stormwater, roadway, traffic control, engineering design and construction services. The work will be performed on an as-needed basis. Compensation is based on an hourly fee schedule.

Recommended Action:

Recommend approving the RFQ rankings and awarding Continuing Professional Engineering Services contracts to:

- Cribb Philbeck Weaver Group (CPWG)
- Mead & Hunt
- Pegasus Engineering, Inc.
- Neel-Schaffer, Inc.

Attachments/References:

- Spreadsheet showing the total points awarded during the RFQ ranking process
# CONTINUING SERVICES CONTRACT
FOR PROFESSIONAL SURVEYING SERVICES
RFQ 18-001

<table>
<thead>
<tr>
<th>FIRMS</th>
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<tr>
<td>Pegasus</td>
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<tr>
<td>CPWG</td>
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<tr>
<td>Mead &amp; Hunt</td>
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<td>WSP USA, Inc</td>
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<td>CPH</td>
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<td>10</td>
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<tr>
<td>Burgess &amp; Niple</td>
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AGENDA ITEM

From: Steve Pash, Community Development Director  
Via: Mike Bollhoefer, City Manager  
Date: April 4, 2019  
Meeting Date: April 11, 2019  
Subject: Community Event – Masonic Lodge – 15th Annual All American Kids Parade and Breakfast on July 4, 2019  
Applicant: Winter Garden Masonic Lodge  

Discussion:

The Winter Garden Masonic Lodge is requesting to close Plant Street at 10:00 am on July 4, 2019 for the 15th Annual All American Kids Parade and Breakfast. The event will be the same as last year with breakfast being served at the Masonic Lodge and Plant Street temporarily closed from Central Avenue to Main Street for the parade.

The event is managed by the City Recreation Department with assistance from the Police and Fire Departments, as well as, Public Services and Parks. The event will be from 7:30 AM to 1:00 PM and everything will be broken down and cleaned up immediately following the event.

Recommended Action:

Staff recommends approval of the temporary closure of Plant Street and the Special Event.

Attachments/References:

Event Map
4th of July Kids Parade
Thursday, July 4, 2019 * Parade starts at 10am
Sponsored by the Heritage Society/Masonic Lodge/Downtown Merchants Assoc.

Building Maintenance
- Set up music to run on downtown speakers from N. Central to N. Main Street

Public Services
- Drop barricades in designated locations
- 9:45am barricade streets
- Remove barricades immediately following end of parade
  - (approximately 10:30am)
- Provide one staff member for trash detail from 10am-12pm

Parks
- Make sure irrigation is turned off for event
- Provide one to two staff members for trash detail from 9am-12pm

Recreation
- Assist with preparations to make sure event starts on time
- Assist with Trash Detail
- Provide helium tanks for event

Fire Department & Police Departments
- Staff as deemed necessary

Last Update: 3/21/2019
Charter Review and Establishing a Charter Review Committee
Resolution 19-02

The duty of the Charter Review Committee is to conduct a review of the existing City Charter. The Charter Review Committee will advise the City Commission of the results of its review and make recommendations for the amendment of the City’s Charter. The City Commission will have the opportunity to review the recommendations, consider and adopt an ordinance to place proposed changes, approved by the City Commission, before the electorate. That referendum election will be held at the City’s next regular election on March 10, 2020. It is anticipated that the Committee’s final recommendation would be submitted no later than October 28, 2019, in an effort to allow City staff and the City Attorney time enough to craft the appropriate ballot language for submission to the Orange County Supervisor of Elections Office for inclusion on the ballot.

Discussion:
Charter Review Committee, establishment, application and selection

Recommended Action:
Staff recommends approval of Resolution 19-02

Attachment(s)/References:
Resolution 19-02
RESOLUTION NO. 19-02

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE, ESTABLISHING COMMITTEE DUTIES, ESTABLISHING APPOINTMENT OF MEMBERS, ESTABLISHING ORGANIZATION, PROVIDING FOR THE SUNSETTING OF THE CHARTER REVIEW COMMITTEE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission wishes to appoint an advisory board of citizens from the community to review the City Charter and make recommendations for amendments to the City Charter, and

WHEREAS, the City Commission wishes that the changes or amendments should be made to the Charter so that it will continue to meet the City’s needs as the City’s primary governing document and will not be in conflict with existing City ordinances; and

WHEREAS, the City Commission desires that the review of the Charter shall be accomplished within a reasonable time frame and shall be guided by the principles, purposes and directives set forth herein.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA,

Section 1. Charter Review Committee Established. The City Commission hereby establishes a temporary citizen’s advisory committee to perform a comprehensive Charter review. The committee shall be named the Charter Review Committee (CRC).

Section 2. Number of Members; Appointment; Term. The Charter Review Committee shall consist of no more than nine (9) persons, all of whom shall be residents of the City. Interested residents shall complete and submit to the City Clerk an application for membership. The City Clerk shall provide completed applications to the Mayor and Commissioners for their appointment consideration. All members shall serve from the date of their appointment until the sunset of the committee as stated herein. Each City Commissioner may appoint two (2) members and one (1) member may be appointed by the Mayor. The members shall serve without compensation.

Section 3. Ethics. No member of the Charter Review Committee shall be employed by or be an official of the City. Each member must comply with the Florida Code of Ethics and Florida Statutes § 286.011, Florida’s Sunshine Law.
Section 4. **Removal; Vacancies.** All CRC members shall serve at the pleasure of the City Commission and any member may be removed by the appointing Commissioner or their successor, with or without cause. In the event of a vacancy on the Charter Review Committee during its term of existence or prior to the expiration of a member's term, the vacancy may be filled at a regular or special meeting of the City Commission by the Mayor or Commissioner (or their successor in office) making the initial appointment.

Section 5. **Committee Chair; Meetings & Procedure.** At the first meeting of the Charter Review Committee, the committee members shall select from their own membership, a chairperson, a vice-chairperson, and organize itself as it deems proper in order to appropriately carry out the duties assigned of the Committee, including the enactment of rules of procedure. Thereafter, all subsequent meeting dates of the Charter Review Committee, its additional officers, meeting procedures, operational bylaws and other methods of operation shall be adopted as a majority of the Charter Review Committee sees fit, consistent with Florida Statutes §286.011, Florida’s Sunshine Law and this Resolution.

Section 6. **Quorum; Attendance; Schedule, Records and Minutes.** A majority of the members of the Charter Review Committee shall constitute a quorum necessary for the conduct of the business of the Charter Review Committee. Meetings of the Charter Review Committee shall be held no earlier than 5:30 p.m. during a weekday. Meetings shall commence in June, and occur every second and fourth Monday of each month and otherwise at the direction of the Committee or the call of the chairperson, or in that person's absence, the vice-chairperson, or at the call of any three members of the Charter Review Committee until the Charter Review Committee sunsets, unless otherwise amended by resolution of the City Commission. The records and minutes of the deliberations and decisions of the Charter Review Committee shall be kept and filed with the City Clerk.

Section 7. **Duties.** The duty of the Charter Review Committee shall be to conduct a thorough review of the existing City Charter. The Charter Review Committee is directed to undertake this complete and thorough review by receiving input from citizens and Charter Review Committee members as to changes and amendments that will allow the City's government to function efficiently, effectively and in the best interest of its citizens. Particular attention should be paid to providing a document that is both consistent with the City's current ordinances and that will enable the City's governing body and administrators to meet the needs of the citizens. Areas best regulated by ordinance or resolution should not generally be considered for inclusion in the Charter.

Section 8. **Submission of Results.** The Charter Review Committee shall advise the City Commission of the review results and any recommendations
for amendments to the City Charter. The Charter Review Committee shall conduct its review of the Charter and give the City Commission an opportunity to review the results and recommendations of the Charter Review Committee. The Charter Review Committee shall allow the City Commission sufficient time to consider and adopt an ordinance to place proposed changes approved by the City Commission before the electorate at a referendum election to be held at the City’s regular election in March 2020. The City Commission will consider the recommendations of the Charter Review Committee and the City Commission shall determine what changes shall be placed before the electorate.

**Section 9. Term of Existence.** This resolution shall take effect immediately upon its final passage and adoption. This resolution and the Charter Review Committee shall sunset upon presentation AND acceptance of the final review results (Final Report) and its recommendations for amendments to the City Charter by the City Commission.

**Section 10. City Commission Review; Referendum.** Upon receipt of the Final Report from the Charter Review Committee, the City Commission shall consider, at a regular meeting, which, if any, of the committee’s recommended changes, amendments or alterations to the Charter shall be submitted to a referendum of the citizens of the City pursuant to Florida Statute §166.031. The City Commission may accept or reject any recommendation of the Charter Review Committee, in whole or in part.

**Section 11. Effective Date.** This resolution shall take effect immediately upon its approval.

**PASSED AND RESOLVED** this _____ day of ______________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

______________________________
John Rees, Mayor/Commissioner

ATTEST:

______________________________
Angela J. Grimmage, City Clerk